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MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CENTRAL INTELLIGENCE AGENCY AND THE NATIONAL ARCHIVES

SUBJECT: Accessioning CIA Predecessor Wartime Organizations Records by the National Archives - Associated Responsibilities and Procedures

1. In considering the transfer of CIA Predecessor wartime organization, primarily Office of Strategic Services (OSS) records to the National Archives for release to the public, the Central Intelligence Agency (CIA) has expressed concerns that the records may contain information that is inappropriate for immediate access. For purposes of simplicity, these records will hereafter be referred to as the "OSS records." The National Archives has provided assurances that its processing procedures will address and resolve these concerns before access is provided. This Memorandum of Understanding reflects mutual agreement that the CIA and National Archives review procedures outlined below will serve to expedite the release of OSS records to the public while providing appropriate safeguards against premature access.

2. The OSS records will be examined for declassification by the CIA. Documents or portions of documents under the final declassification jurisdiction of the CIA (successor Agency) which are found still to contain national security information despite the passage of time will be withdrawn from the records and withheld in the custody of the CIA. A withdrawal card bearing a unique number will be substituted for the withdrawn material. Upon completion of the CIA's examination, the records appropriate for transfer as permanent records will be sent to the National Archives for accessioning. The records will consist of declassified and unclassified material, except as indicated below.

3. Classified material which the CIA has determined does not require continued protection insofar as that agency's interests are concerned, but which may require continued national security protection in the interest of some other U.S. agency or of a foreign government will be transferred along with the declassified and unclassified OSS records. Such classified material will be identified by the CIA examiners by placing a tab around the relevant material or by affixing a tag to the individual items. It will be the responsibility of the National Archives to review such identified classified material for possible declassification at appropriate intervals in accordance with applicable Executive Orders and Information Security Oversight Office directives. The CIA's Information

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and Privacy Coordinator will assist National Archives officials responding to access requests when the identification of the responsible U.S. agency is unclear or when transmittal to an appropriate foreign government is required for declassification determination.

4. The National Archives will screen and withhold from access and/or refrain from copying for a fee declassified or unclassified accessioned OSS records containing information about a living individual which reveal details of a highly personal nature that the individual could reasonably assert a claim to withhold from the public to avoid a clearly unwarranted invasion of privacy, including but not limited to information about the physical or mental health or the medical or psychiatric care or treatment of the individual, and that contain personal information not known to have been previously made public, and relate to events less than 75 years old (41 CFR 105.61.5302-4).

5. It is agreed that the OSS records still contain sensitive documents which could cause adverse international repercussions. Therefore, at the time of records arrangement, the National Archives will conduct initial screening on a series or subseries basis. When files or documents are requested, a re-screening will be performed on potentially sensitive records before such items are furnished to researchers. At such time, NARS reviewers will exercise discretion regarding the release of records that might cause national or international repercussions. In case of doubt, or where CIA has identified sensitive records, the National Archives will consult with appropriate information specialists of the CIA concerning the propriety and/or legal basis for continued denial or release.

6. The procedures set forth in this Memorandum of Understanding will become effective upon execution of this Memorandum of Understanding by both NARS and CIA .

ROBERT M. WARNER
Archivist of the United States

Date

HARRY A. FITZWATER
Deputy Director for Administration
Central Intelligence Agency

Date

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